United Nations S/2004/817

Security Council

Distr.: General
15 October 2004
English
Original: French

Letter dated 13 October 2004 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

On orders from my Government, I have the honour to attach a copy of the address delivered by the President of the Republic, H.E. Mr. Laurent Gbagbo, on 12 October 2004 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Philippe **Djangone-Bi**
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Annex to the letter dated 13 October from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

Address to the nation by H.E. Mr. Laurent Gbagbo, President of the Republic of Côte d'Ivoire, on disarmament and the political reforms

Tuesday, 12 October 2004

Ladies and Gentlemen of Côte d'Ivoire,

My dear fellow citizens,

Since the beginning of the crisis in Côte d'Ivoire, I have addressed you regularly, at every important stage of the peace process, to take stock of what has been accomplished. We are all committed to this process, which is aimed at bringing an end to the war and making it possible for Côte d'Ivoire to recover its unity and for all its inhabitants to achieve reconciliation.

Through the efforts of all and with the support of the international community, the peace process is moving forward. After a long series of negotiations, which took place both here in Côte d'Ivoire and in friendly countries, we have now reached the disarmament phase. This is an essential phase in which everyone must be involved. For this reason, I call on the entire nation once again to mobilize in making the final effort needed to ensure that the country returns to the path of unity and prosperity. My message tonight is one of unity and hope.

In January 2003, when the Ivorian political parties and the armed rebellion decided to sign the Linas-Marcoussis Agreement, they actually made a dual commitment. They sought, on the one hand, to bring an end to the war and, on the other, to resolve certain political problems, both old and new, that Côte d'Ivoire faces. Let me recall that the State of Côte d'Ivoire was not a party to this Agreement. But I decided, in your name and for the sake of peace, to implement it and to do so seriously. It is this will that I again expressed by signing the Accra III Agreement which was concluded at the most recent meeting on the Ivorian crisis, in the capital of Ghana, under the aegis of the Economic Community of West African States (ECOWAS) and the United Nations.

Under the Linas-Marcoussis Agreement, disarmament was to begin immediately following the formation of the Government of National Reconciliation and Parliament's adoption of an amnesty act for the soldiers engaged in the rebellion. The Government has been formed and the Amnesty Act has been adopted and promulgated, but disarmament is not yet a reality.

Nevertheless, in order to build confidence and show good will, I undertook with the Government of National Reconciliation the political reforms recommended by the Agreement. In addition to the Amnesty Act, unanimously adopted on 6 August 2003, Parliament has already adopted the following:

- Amendments to the Act relating to the identification of persons and residence of aliens in Côte d'Ivoire, adopted on 23 April 2004;

- Act relating to the establishment, organization and functioning of the National Human Rights Commission, adopted on 23 April 2004;
- Act authorizing the President of the Republic to ratify the Additional Protocol on the free movement of persons and the right of residence and establishment, adopted on 27 July 2004;
- Act amending article 26 of the Rural Land Code, adopted on 28 July 2004;
- Act relating to the declaration of income, assets and liabilities of the President of the Republic, adopted on 28 July 2004; and
- Act on the financing of political parties and groups and of election campaigns from the public coffers, adopted on 9 September 2004.

In addition to these Acts, which have already been adopted and promulgated, the Government has adopted five additional bills in the Council of Ministers and referred them to Parliament:

- Bill authorizing the President of the Republic to ratify the Additional Protocol relating to implementation of the third stage (right of establishment) of the Protocol on the free movement of persons and the right of residence and establishment, signed at Banjul on 29 May 1990; Parliament has postponed consideration of this bill pending the arrival of additional information;
- Bill amending the Act establishing the composition, organization, powers and functions of the Independent Electoral Commission; consideration of this bill was suspended on 26 August 2004 at the request of the Minister of State for Territorial Administration;
- Bill amending and supplementing the Nationality Code. This bill has been temporarily withdrawn at the request of the Minister of State for Justice;
- Bill establishing the legal regime governing the press, referred to Parliament on 24 September 2004; and
- Bill further amending the Act amending the Act relating to the identification of persons and residence of aliens in Côte d'Ivoire.

At present, the Council of Ministers has only three remaining bills to consider before referring them to Parliament:

- Bill on the legal regime for audio-visual communication, to be submitted by the Minister of State for Communication;
- Bill on the status of the opposition, to be submitted by the Minister of State for Territorial Administration; and
- Bill on the prevention of illicit enrichment, to be submitted by the Minister of State for Justice.

The Act amending article 35 of the Constitution has already been adopted by the Council of Ministers.

Overall, of the 16 bills arising from the Linas-Marcoussis Agreement, seven have been adopted, five are before Parliament and three are awaiting referral to the Council of Ministers.

This is the status of the political reforms. They have been initiated, they are in process and they will continue. For my part, I intend to fulfil all my commitments. I am completely open. I will do everything in my power to ensure that no legislation arising from the Linas-Marcoussis Agreement, including the draft amendment to article 35 of the Constitution, is ignored.

Of course, political reforms are important. But, unlike disarmament, they do not constitute a physical obstacle to the country's reunification. Once again, let me recall that during the times of disorder, more than at any other time, it is the duty of the President of the Republic to respect, and ensure respect for, the Constitution, which is our compass. That is why, contrary to all the interpretations made in various quarters, I have decided to follow the only path prescribed by the Constitution.

This is the basis for my position in the debate on article 35 of the Constitution. Unlike the other legislation arising from the Linas-Marcoussis Agreement, this constitutes a change in our fundamental law. The Constitution itself establishes the proper procedure in this regard:

> "Amendments to the Constitution are not official until they have been approved by referendum with an absolute majority of the votes cast. Any bill or proposed amendment concerning the election of the President of the Republic, the exercise of the presidential mandate, vacancy of the post of President of the Republic or the procedure for amendment of this Constitution must be decided by referendum" (art. 126); and
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> "No amendment proceedings may be undertaken or pursued if they pose a threat to the integrity of the territory. The republican system and the secular State are not subject to amendment" (art. 127).

It is these provisions of our Constitution and especially article 127 thereof, not the President of the Republic, which constitute the obstacle to submission of the draft amendment to the Constitution. Since the Constitution is the foundation of the Republic and of democracy, we must address the question of its amendment dispassionately.

I call on every Ivorian woman and man, whatever their political position, to ensure respect for our Constitution. Without this respect for our fundamental law, the nation is vulnerable to any eventuality. Respect for the Constitution is the guarantor of political stability, the rule of law, democracy and social peace.

Nevertheless, both as proof of my good faith and in order to reassure everyone concerning this matter on which attention is focused, I solemnly make this commitment tonight: as soon as disarmament begins, I will submit to Parliament the draft amendment to article 35 of the Constitution on eligibility.

Let me point out that the disarmament, demobilization and reintegration (DDR) process includes the following phases: cantonment, disarmament and demobilization of combatants. The beginning of disarmament means the cantonment of troops, which will permit freedom of movement for the people throughout the entire national territory. During all the phases of DDR, I shall take all appropriate measures to ensure the safety of persons and property — the safety of former combatants and of the people.

My dear compatriots,

Let us get on with disarmament and with the reunification of the country. Let us end the war and, together, let us take the best paths, those of the rule of law and democracy, in order to undertake the reforms desired by all.

In the present situation, the press has an important role to play. I urge journalists — men and women of the media — to calm things down. I encourage all parties to the conflict and all political parties to think as I do. Let us move towards peace. All compromises are possible.

Today, the Ivorian political community is faced with its responsibilities. There was war because men took up arms. As long as they are in possession of these arms, any discussion of peace will be fruitless.

The fighting forces — those who bear arms and fight each other on the ground — are, on the one hand, the armed troops of the Forces Nouvelles and, on the other, the national defence and security forces. These two groups soon realized that the war was not a good thing: not for themselves, not for the country, not for Ivorians and not for all who live in Côte d'Ivoire.

On 4 May 2003, the soldiers sent us a strong signal by signing a comprehensive ceasefire agreement. On 4 July 2003, at a moving ceremony in the presidential palace, they solemnly proclaimed the end of the war. Since then, except for some unexpected skirmishes, the weapons have been silent on all fronts.

Yesterday — Monday, 11 October 2004 — the two groups of fighting forces drafted a joint address to the President of the Republic. In this address, which has great symbolic value, the defence and security forces and the armed forces of the Forces Nouvelles express their wish that, after more than two years of crisis, Côte d'Ivoire should finally find peace for the benefit of its people.

This is why, reaffirming their will to begin the DDR process on 15 October 2004 in accordance with the Accra III Agreement, they request His Excellency the President of the Republic, as the highest official of the Government and the guarantor of national unity, to intervene by using all his authority to speed up achievement of the peace process and resolution of the problems relating thereto.

This move is justified, according to the authors of the address, by a number of concerns related to the political situation — that is, to the attitude, words and deeds of politicians — which could weaken the process of peace and national reconciliation.

In other words, the fighting forces of both sides declared themselves ready for disarmament on 15 October 2004. They have played their part and are asking the politicians to play theirs. They made this declaration in the presence of the President of the Republic, the Prime Minister, the members of Government, the Ivorian signatories to the Accra III Agreement, the United Nations and Operation Licorne forces, the National Commission for Disarmament, Demobilization and Reintegration (NCDDR), the National Pilot Committee for the Redeployment of the Administration (CNPRA) and the International Civilian Police (CIVPOL).

This is a patriotic act and I wish to congratulate them. As Commander in Chief of the armed forces who, in that capacity, received the joint declaration of the end of the war on 4 July 2003, and as the recipient of the address of 11 October 2004, I

would like to assure the soldiers on both sides of my commitment to pursuing ceaselessly the reforms which are essential to the creation of a republican army. It will be necessary to strengthen unity and discipline within our army and to give it the necessary resources so that it will be equal to our economic ambitions and to our position in West Africa.

I have understood that the message from the defence and security forces and the armed forces of the Forces Nationales was not addressed to the President of the Republic alone. It challenges the entire political community and the entire nation as well. For this reason, I have invited the ten signatories to the Accra III Agreement to respond to the concerns of the fighting forces.

We will meet tomorrow — Wednesday, 13 October 2004 — at the presidential palace. I launch a brotherly appeal to all the leaders of the political parties and movements engaged in the peace process.

The only question that arises today is how to support and promote the process set in motion by the soldiers. The political parties, which are the beneficiaries of social peace, can do no less than the soldiers who have set us an example by opting for immediate, unconditional disarmament. We must follow their example. We cannot wage war when those fighting on the ground refuse to do so.

The beginning of disarmament does not mean an end to the reforms. The National Assembly has just opened its second ordinary session. It will continue to consider the bills submitted under the Linas-Marcoussis Agreement. We have elections for which to prepare. Let us continue with this process. At the meeting of 13 October 2004, we must identify the elements of the political environment which support a real beginning of disarmament on 15 October 2004.

The people of Côte d'Ivoire have suffered too much from this war. The displaced people must be able to return to their towns, their villages, their homes, their plantations, their fields. In the North, the Centre, the West and the East, Ivorians must be able to move freely throughout the national territory. The national radio and television must resume broadcasts in all parts of Côte d'Ivoire. I assure CNDDR of the support of the President of the Republic in ensuring that it has viable sites for the cantonment of former combatants wherever needed.

The international community supports us. The United Nations Security Council's most recent statement on the Ivorian crisis and the recent declaration by the ambassadors of the countries members of the European Union are further signs of the international solidarity which has never failed us. For this reason, I regret and condemn the recent demonstrations against the United Nations and Operation Licorne wherever they have occurred. Those who have come to help should not be attacked.

I commend the calm reaction of the members of the peacekeepers, who did not yield to provocation, and I thank the international community once again for its efforts to promote peace in Côte d'Ivoire. We must not disappoint our friends. We must not disappoint our people. We must not compromise the future of our country. The road to peace is open. Today, more than ever, we need to be united.

God bless Côte d'Ivoire!